



Public
Defender's
Office:

Wilmington
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Georgetown
856-5310

Arraignments

A GUIDE TO ARRAIGNMENTS IN THE FAMILY COURT

FAMILY COURT OF THE STATE OF DELAWARE

<http://courts.state.de.us/family>

What is an arraignment?

An arraignment is a formal hearing at which a defendant accused of a crime is brought before the Court to plead to the charges brought against him/her. The defendant is made aware of the charges, the legal rights and at this time, may enter a plea of guilty or not guilty before the Court.

How is a person notified of an arraignment hearing?

All parties who must attend the arraignment are notified in writing with a subpoena or notice by the Court. If there are victims in the case, they are notified, but they are not required to attend the hearing unless otherwise noted on their subpoena/notice.

Should I hire a lawyer?

Every defendant in a criminal case at Family Court has a right to have a lawyer. It is up to the defendant to seek a lawyer prior to his/her Court date.

If I want a lawyer, but can't afford one, what should I do?

Before you appear in Court, if you want a lawyer but you cannot afford one, you should contact the Public Defender's Office to see if you qualify for their services:

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What happens at an arraignment hearing?

At the arraignment hearing, your legal rights will be explained to you. The charges against you will be explained either by the Deputy Attorney General or your lawyer. In the arraignment hearing, the judicial officer (Judge or Commissioner) will inform you of the charges filed against you, your right to plead guilty or not guilty, and your right to a speedy trial. The judicial officer will then ask if you wish to enter a plea of guilty or not guilty.

Is an arraignment hearing required?

An arraignment is required in all criminal cases, however, a defendant may enter a plea of not guilty prior to the arraignment by filing a Rule 10 with the hearing officer's office. The arraignment stage would then be bypassed, which will automatically send your case to a trial. You would receive written notification of your trial date.

Who hears an arraignment?

Family Court has two types of hearing officers: Commissioners and Judges. Both can hear arraignments. Your written notification will have the name of the hearing officer for your case on it.

Can I be forced to take a plea agreement at arraignment?

No. All defendants have a right to a trial in Family Court. Taking a plea is an option, it cannot be forced on you.

If I enter a plea at arraignment, will I be sentenced the same day?

In most cases you will be sentenced the same day you enter a plea. There are some circumstances that would delay sentencing, and in those cases you would be mailed written notification of a sentencing date or you could be held at a detention facility or prison with the possibility of posting bail. The hearing officer could also order that a presentence investigation be completed before sentencing. The sentencing date would be rescheduled and you would be mailed a notice.

Can I get my arraignment continued?

Request for continuances must be in writing prior to the arraignment date. Written requests must contain the reason for the continuance, defendant information, and the date and time of the hearing as well as the position of the opposing party (Department of Justice) and whether the case has been continued before. Requests must be filed in a timely manner and verification of the circumstances may be requested by the hearing officer. It is up to the hearing officer to decide, based on your circumstances, if your case will be continued or not. You must appear for your hearing, unless the Court or your attorney has been excused from appearing on your hearing date.